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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 REGINALD ROBINSON,)
8)
9 Plaintiff,) CASE NO. C08-1359-JCC-BAT
10 v.) ORDER DENYING MOTION
11) FOR APPOINTMENT OF
12 RENTON CITY JAIL, CHIEF MANAGER, et) COUNSEL
al.,)
Defendants,)

13 Plaintiff is a Washington state prisoner proceeding pro se and in forma pauperis in this
14 action under 42 U.S.C. § 1983. Dkts. 7, 8. On January 12, 2009, the Court received plaintiff's
15 motion for appointment of counsel. Dkt. 25. Having reviewed the motion and the balance of the
16 record, the Court does hereby find and ORDER as follows:

17 (1) Plaintiff's Motion for Appointment of Counsel (Dkt. 25) is hereby DENIED. There is
18 no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court,
19 under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding in forma
20 pauperis, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789
21 F.2d 1328, 1331 (9th Cir. 1986). A finding of exceptional circumstances requires an evaluation
22 of both the likelihood of success on the merits and the ability of the plaintiff to articulate his
23 claims pro se in light of the complexity of the legal issues involved. *Id.* Plaintiff requests that

1 counsel be appointed because he is a “layman at law” and a prisoner of defendants who have
2 control over him and thus his access to the “case laws and authorities.” Dkt. 25 at 1. These are
3 not exceptional circumstances calling for appointment of counsel. If they were, counsel would
4 have to be appointed in every pro se case involving a person in custody. Although plaintiff is a
5 layman, his filings indicate that he is able to articulate his claims. His filings also do not
6 demonstrate a likelihood of success on the merits of his claims. Accordingly, the Court denies his
7 request for appointment of counsel.

8 (2) The Clerk is directed to send a copy of this Order to plaintiff, to counsel for
9 defendants, and to the Honorable John C. Coughenour.

10 DATED this 23rd day of January, 2009.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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